

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 02-20060
)	
JAMES RICCARDI,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

James Riccardi has filed a motion for appointment of counsel (doc. #222) to assist him in raising a post-conviction claim. There is, however, no constitutional right to counsel beyond the direct appeal of a conviction. *Swazo v. Wyo. Dep't of Corrs.*, 23 F.3d 332, 333 (10th Cir. 1994). “[T]he right to appointed counsel extends to the first appeal of right, and no further.” *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987).

Mr. Riccardi, however, may file a pro se motion raising the argument he has articulated. At that point, the court will determine the proper way to handle it.

IT IS THEREFORE ORDERED BY THE COURT that defendant’s motion for appointment of counsel (doc. 222) is denied.

IT IS SO ORDERED this 3rd day of August, 2009.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge